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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ACORNE ENTERPRISES, LLC, a	)	Case No. 3:09-cv-736
Nevada limited liability company,	)	
	)	
Plaintiff,	)	<b><u>COMPLAINT</u></b>
	)	
v.	)	<b>JURY DEMAND</b>
	)	
QVC, INC., a Delaware corporation;	)	
ELECPRO (USA), INC., a California	)	
corporation,	)	
	)	
Defendants.	)	
	)	

Plaintiff Acorne Enterprises, LLC (“Acorne”) alleges the following in support of its Complaint against Defendants QVC, Inc. (“QVC”) and Elecpro (USA), Inc. (“Elecpro”) (collectively “Defendants”):

**JURISDICTION**

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271, et seq. This Court has personal jurisdiction over Defendants because they have committed acts within this judicial district giving rise to this action.

**VENUE**

2. Defendants have committed acts within this judicial district giving rise to this action and do business in this district, including one or more of the infringing acts of selling, offering

1 for sale, and advertising its infringing product, and providing service and support to their  
2 respective customers in this district. Venue is proper in this district pursuant to 28 U.S.C. §§  
3 1391(b) and (c).

4 **PARTIES**

5 3. Plaintiff Acorne is a limited liability company organized and existing under the laws  
6 of the State of Nevada.

7 4. Upon information and belief, Defendant QVC, Inc. is a corporation duly organized  
8 and existing under the laws of the State of Delaware, with a principal place of business at  
9 Goshen Corporate Park, 1200 Wilson Drive, West Chester, PA 19380.

10 5. Upon information and belief, Defendant Elecpro is a corporation duly organized and  
11 existing under the laws of the State of California, with a principal place of business at 1650  
12 South Amphlett Blvd., Suite 101, San Mateo, CA 94402.

13 6. Upon information and belief, at all times herein mentioned, each of the Defendants  
14 was the agent, servant or employee of each of the other Defendants and at all times was acting  
15 within the course and scope of said agency and employment and that each Defendant is jointly  
16 and severally liable to Acorne for the reasons and the facts herein alleged. Relief is sought  
17 herein against each and all of the Defendants, as well as their agents, assistants, successors,  
18 employees and all persons acting in concert or cooperation with them or at their direction.

19 **COUNT 1**

20 **(Patent Infringement)**

21 7. Paragraphs 1-6 of the Complaint set forth above are incorporated herein by  
22 reference.

23 8. Acorne is the owner of all rights, title, and interest in and to United States Patent  
24 No. 6,515,262 ("the '262 Patent") entitled "Deep Well Cooker With Dual Heating Elements,"  
25 which was issued on February 4, 2003. A true and correct copy of the '262 Patent is attached  
26 hereto as Exhibit A.

27 9. Acorne is also the owner of all rights, title, and interest in and to United States  
28 Patent No. 6,624,392 ("the '392 Patent") entitled "Multifunctional Cooking System," which

1 was issued on September 23, 2003. A true and correct copy of the '392 Patent is attached  
2 hereto as Exhibit B.

3 10. Upon information and belief, Defendants have been and are selling, offering for  
4 sale, shipping, and advertising in this district a multi-cooker product named "Cook's Essentials  
5 8 Quart Multi-Function Roaster Oven" ("Defendants' Product") that infringes the '262 and  
6 '392 Patents under 35 U.S.C. § 271. A true and correct copy of a photograph and description  
7 of Defendants' Product contained on the [www.qvc.com](http://www.qvc.com) Web site is attached hereto as Exhibit  
8 C. Additionally, upon information and belief, Defendants provide service and support for  
9 Defendants' Product to their respective customers in this district. Defendants' aforementioned  
10 actions infringe, contribute to or induce infringement of the '262 and '392 Patents under 35  
11 U.S.C. § 271.

12 11. Defendants' acts of infringement have caused damage to Acorne. Under 35  
13 U.S.C. § 284, Acorne is entitled to recover from Defendants the damages sustained by Acorne  
14 as a result of Defendants' infringement of the patents-in-suit. Defendants' infringement of  
15 Acorne's rights under the patents-in-suit will continue to damage its businesses, causing  
16 irreparable harm to Acorne, for which there is no adequate remedy of law, unless enjoined by  
17 this Court under 35 U.S.C. § 283.

18 12. Upon information and belief, Defendants' infringement of the patents-in-suit has  
19 been willful and deliberate, and entitles Acorne to increased damages under 35 U.S.C. § 284  
20 and attorneys' fees and costs under 35 U.S.C. § 285.

### 21 **PRAYER FOR RELIEF**

22 WHEREFORE, Acorne respectfully requests that this Court enter judgment against  
23 Defendants as follows:

24 (a) For judgment that Defendants have infringed and continue to infringe the  
25 patents-in-suit;

26 (b) For preliminary and permanent injunctions under 35 U.S.C. § 283 against  
27 Defendants and their directors, officers, employees, agents, subsidiaries, parents, attorneys, and  
28

1 all persons acting in concert, on behalf of, in joint venture, or in partnership with Defendants  
2 from further acts of infringement;

3 (c) For damages to be paid by Defendants adequate to compensate Acorne for their  
4 infringement, including interest, costs and disbursements as the Court may deem appropriate  
5 under 35 U.S.C. § 284;

6 (d) For a judgment finding that Defendants' infringement was willful and  
7 deliberate, entitling Acorne to increased damages under 35 U.S.C. § 284;

8 (e) For a judgment finding this to be an exceptional case, and awarding Acorne  
9 attorneys' fees and costs under 35 U.S.C. § 285; and

10 (f) For such other and further relief at law and in equity as the Court may deem just  
11 and proper.

12 DATED this 15<sup>th</sup> day of December, 2009.

13 WATSON ROUNDS

14  
15 By: /s/ Matthew D. Francis  
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23 Attorneys for Plaintiff  
24 Acorne Enterprises, LLC  
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**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38(b), Acorne Enterprises, LLC hereby demands a jury trial on all issues triable by jury.

DATED this 15<sup>th</sup> day of December, 2009.

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